



January 8, 2016

via ECF / courtesy chambers copy via Federal Express

Honorable Charles R. Breyer
Senior United States District Judge
United States District Court
Northern District of California
Courtroom 6, 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Application for Leadership in *In re Volkswagen "Clean Diesel"*
Marketing, Sales Practices and Products Liability Litigation,
Case No. 15-MD-2672 CRB (JSC)

Dear Judge Breyer:

Pursuant to Pretrial Order No. 2, I, Graham B. LippSmith, respectfully apply for a position on the Plaintiffs' Steering Committee. I am a partner at Kasdan LippSmith Weber Turner LLP ("KLWT") and lead counsel in *Yell v. Volkswagen Group of America*, 2:15-cv-07429, C.D. Cal. (transferred to the MDL court on December 11, 2015).

KLWT's Background

KLWT is a law firm of twenty-two attorneys specializing in plaintiff-side litigation. KLWT has successfully recovered hundreds of millions of dollars in complex cases against the largest companies in the world. The lawyers at KLWT have managed more than five hundred major litigation matters, favorably settling many, trying several to verdict, prevailing on appeals, and achieving nine-figure and numerous eight-figure and seven-figure results on their cases. KLWT has offices in three major California metropolitan areas (Bay Area, Los Angeles, and Orange County), Arizona, and New Mexico.

The attorneys of KLWT are licensed to practice in California, Arizona, and Hawai'i, and have primarily represented plaintiffs in civil litigation, with a focus on class actions, consumer litigation, mass torts, and construction defects. In particular, I have personally served as class counsel, lead counsel, committee counsel, and putative class counsel in dozens of class action and mass action lawsuits, in addition to serving in national multidistrict litigation class and mass

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action cases. KLWT has a strong background in achieving great successes for its clients, particularly in the areas of consumer class actions and defective products. *See* Appendix A.

KLWT's record of success demonstrates our commitment to achieving the best possible outcomes for our clients. We will represent and zealously advocate on behalf of consumers in this MDL. KLWT is ready and willing to commit the resources—financially, as well as in time and legal talent—to pursue claims as complex and as important as these. KLWT filed one of the earliest complaints in the United States District Court, Central District of California, and has participated as much as possible in this litigation since filing.

Graham B. LippSmith's Background

During my career, I have made countless appearances before judges all over the country and across jurisdictional lines. My judicial references include the following judges before whom I have appeared as Class Counsel or in leadership positions for cases that have resolved in major settlements on behalf of class members: Hon. William F. Highberger, Superior Court of the State of California for Los Angeles County (213-351-7522), Hon. Rhonda A. Nishimura, First Circuit Court of the State of Hawaii (808-539-4012), Hon. Gary W.B. Chang, First Circuit Court of the State of Hawaii (808-539-4084), and Hon. Fernando M. Olguin, United States District Court for the Central District of California (213-894-0215).

I am a member of various legal organizations, including the American Association of Justice, Consumer Attorneys of California, and Consumer Attorneys Association of Los Angeles. I have published articles in a law review and several trade publications. I have been a speaker at more than a dozen CLE conferences, the vast majority of which were devoted to class action topics. In 2008, the Daily Journal listed me in its "Top Twenty Under 40," the California Lawyer magazine named me an "Attorney of the Year" in the category of litigation, and in both 2007 and 2008, I was a finalist for the Consumer Attorneys of California's "Consumer Lawyer of the Year" award. Recently, I spearheaded the *Fogel v. Farmers Group, Inc.*, LASC Case No. BC300142 case, in which we achieved a half billion-dollar class action settlement for more than 12.5 million insured Americans. In May 2012, VerdictSearch published its annual "California's Million-Dollar Settlements" supplement indicating that the *Fogel* settlement was the largest reported settlement in California for 2011.

Support by Other Plaintiffs' Firms

More than twenty law firms support my application to become a member of the Plaintiffs' Steering Committee. *See* Appendix B.

KLWT

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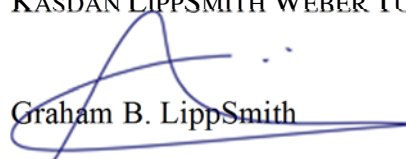
Commitment to Pursuing Plaintiffs' Claims Here

Finally, as we have so often done in the past, KLWT stands ready to work in the spirit of cooperation with all plaintiffs' and defense counsel in order to achieve an outcome that is both equitable and in the best interests of consumers. I strongly believe that my firm will work very well with the other plaintiffs' firms that the Court ultimately selects to achieve the best outcome possible for the plaintiffs impacted by Volkswagen's very serious misconduct at issue here.

For the foregoing reasons, I respectfully request that the Court appoint Graham B. LippSmith of Kasdan LippSmith Weber Turner LLP to the Plaintiffs' Steering Committee.

Sincerely,

KASDAN LIPPSMITH WEBER TURNER LLP



Graham B. LippSmith

Attachments